

RECEIVED OCT 23 2002

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR (02-81 COM 1) MISSION LAKES, MODIFYING PAGE 81 OF THE FLUA BY CHANGING APPROXIMATELY 8.15 ACRES OF LAND, GENERALLY LOCATED ON THE EAST SIDE OF STATE ROAD 7/US 441, APPROXIMATELY 1,100 FEET NORTH OF LANTANA ROAD, FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO COMMERCIAL LOW, WITH AN UNDERLYING LOW RESIDENTIAL 2 UNITS PER ACRE (CL/2), SUBJECT TO CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

19 **WHEREAS**, on August 31, 1989, the Palm Beach County Board of
20 County Commissioners adopted the 1989 Comprehensive Plan by Ordinance
21 No. 89-17; and

22 **WHEREAS**, the Palm Beach County Board of County Commissioners
23 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part
24 II, Florida Statutes; and

25 **WHEREAS**, the Palm Beach County Board of County Commissioners have
26 initiated amendments to several elements of the Comprehensive Plan in
27 order to promote the health, safety and welfare of the public of Palm
28 Beach County; and

29 **WHEREAS**, the Palm Beach County Local Planning Agency conducted
30 its public hearings on February 22, March 1, and March 8, 2002 to
31 review the proposed amendments to the Palm Beach County Comprehensive
32 Plan and made recommendations regarding the proposed amendments to the
33 Palm Beach County Board of County Commissioners pursuant to Chapter
34 163, Part II, Florida Statutes; and

35 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
36 the governing body of Palm Beach County, conducted a public hearing
37 pursuant to Chapter 163, Part II, Florida Statutes, on April 8, 2002
38 to review the recommendations of the Local Planning Agency, whereupon
39 the Board of County Commissioners authorized transmittal of proposed
40 amendments to the Department of Community Affairs for review and
41 comment pursuant to Chapter 163, Part II, Florida Statutes; and

42 **WHEREAS**, Palm Beach County received on July 1, 2002 the
43 Department of Community Affairs "Objections, Recommendations, and
44 Comments Report," dated June 28, 2002 which was the Department's
45 written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on August 28, 2002 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments as modified satisfy the concerns addressed in the Department of Community Affairs' "Objectives, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use
Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use
Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 81 is amended as follows:

Application No.: Mission Lakes (02-81 COM 1)

Amendment: From Low Residential, 2 units per acre (LR-2) to Commercial Low, with an underlying Low Residential 2 units per acre (CL-2).

General Location: On the east side of State Road 7/US 441 and approximately 1,100 feet north of Lantana Road.

Size: Approximately 8.15 acres.

B. Conditions: This parcel is subject to the following conditions:

1. The maximum gross buildable area of commercial uses on the 8.15 acre site shall be limited to a maximum of 48,840 square feet.

2. The 8.15 acre site shall provide pedestrian and vehicular cross access with the parcel to the south of

3. The 8.15 acre site shall be developed consistent with the parcel to the south of the site under one unified Preliminary Development Plan (PDP); and

4. The PDP shall be limited to one directional median access point onto State Road 7, and at a location to be reviewed and approved by FDOT and the County Engineer. Additional right turn access points may also be permitted subject to review and approval by FDOT and the County Engineer.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If the Administration Commission issues a final order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status,

a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of
Palm Beach County, on the 28 day of August, 2002.

ATTEST: PALM BEACH COUNTY, FLORIDA,
DOROTHY H. WILKEN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
APPROVED AS TO FORM AND LEGAL SUFFICIENCY
By Warren H. Newell, Chairman
Deputy Clerk W. H. Newell
County Attorney J. P. O'Brien

Filed with the Department of State on the 3 day
of September , 2002.

T:\Planning\AMEND\02-1\admin\bccadopt\Ordinances\Mission Lakes.doc

EXHIBIT 1

Future Land Use Atlas page 81 is amended as follows:

Amendment No.: 02-81 COM 1 (Mission Lakes)

Amendment: From Low Residential, 2 units per acre (LR-2) to Commercial Low, with an underlying Low Residential, 2 units per acre (CL/2)

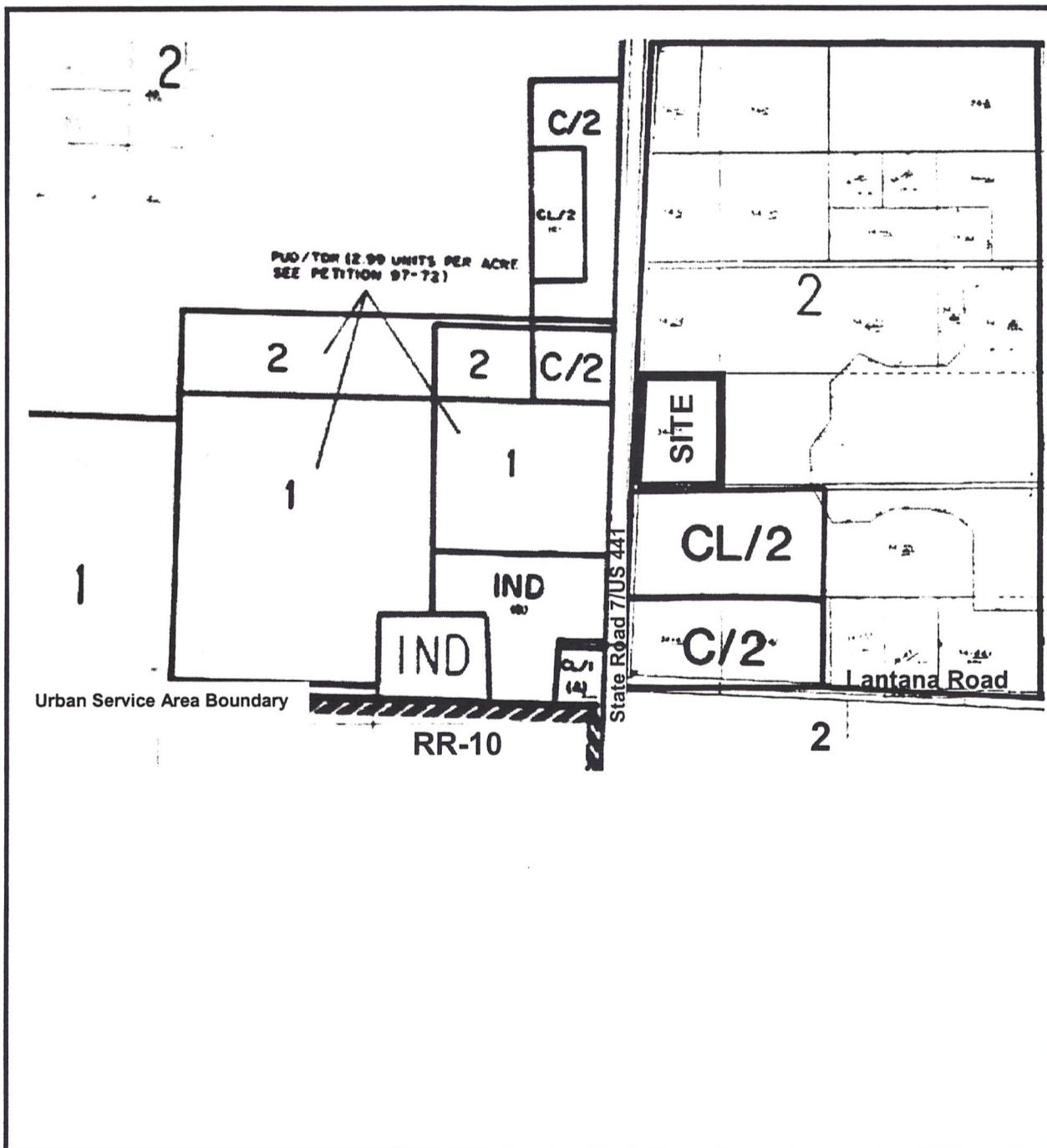
Location: On the east side of State Road 7/US 441 and approximately 1,100 feet north of Lantana Road

Size: Approximately 8.15 acres

Property No.: 00-42-43-27-05-034-0251 (a portion of a 31.81 acre parcel)

Conditions:

- 1) The maximum gross buildable area of the commercial uses on the subject 8.15 acre site shall be limited to a maximum of 49,940 square feet;
- 2) The 8.15 acre site shall have pedestrian and vehicular cross access with the commercial parcel to the south;
- 3) The 8.15 acre site shall be developed consistent with the parcel to the south of the site under one unified Preliminary Development Plan (PDP); and
- 4) The PDP shall be limited to one directional median access point onto State Road 7, and at a location to be reviewed and approved by FDOT and the County Engineer. Additional right turn access points may also be permitted subject to review and approval by FDOT and the County Engineer.



LEGAL DESCRIPTION:

TRACT 25 AND THE NORTH 45 FEET OF TRACT 40, BLOCK 34, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE 30 FOOT PALM BEACH FARMS COMPANY RIGHT-OF-WAY BETWEEN SAID TRACTS 25 AND 40.

CONTAINING: 8.15ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RECERVATIONS, RESTRICTIONS AND RIGHTS-OF- WAY OF RECORD

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 28, 2002
DATED at West Palm Beach, FL on 11/12/02
DOROTHY H. WILKEN, Clerk
By: Nicole Brown D.C.